

LDLDF  
12.3.4/2.1  
8-21-02



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 10  
1200 Sixth Avenue  
Seattle, WA 98101

August 21, 2002

RECEIVED

AUG 26 2002

RICHARD W. ELLIOTT

Reply To  
Attn Of: ECL-111

Richard Elliot  
Davis Wright Tremaine LLP  
1800 Bellevue Place  
10500 NE Eighth Street  
Bellevue, WA 98004-4300

Dear Mr. Elliot:

This letter responds to your May 6, 2002 request to John Iani that EPA provide early resolution of the status of the Long Painting Company property in relation to the Lower Duwamish Waterway Superfund site. We appreciate the opportunity to review the data you supplied. We have reviewed the report you provided and have discussed with the Washington State Department of Ecology the soil cleanup you have been doing under the Voluntary Cleanup Program. Based on this information, there does not appear to be a current contaminated soil or groundwater problem at your facility of sufficient magnitude to impact Lower Duwamish Waterway sediments. However, we are basing this assessment on very limited data both for your upland facility and for the sediments near your facility. With this limited data, and at this early stage of the Lower Duwamish Waterway Superfund Site (Site) remedial investigation/feasibility study (RI/FS), we cannot make any assurances that you will have no eventual involvement at the Site if new information indicates that the contamination at your facility or in the sediments near your facility is greater than shown by the data available to us at this time.

In administering the Superfund program we strive to be as fair to all potentially responsible parties (PRPs) as possible. Should some hazardous substances, or pollutants or contaminants, released at or from your facility in the past have migrated to an area of sediment within the Site which will require remedial action, other PRPs who may have commingled hazardous substances, or pollutants or contaminants in the same area, will rightly expect that you and any other responsible parties will share in an allocation of the applicable response costs. Just as you would not want EPA to release other PRPs who may have some responsibility for a share of these costs, thereby unfairly increasing any potential share you may have, until all the evidence is in as to what contaminants need to be addressed and in what specific geographical areas, these other PRPs will just as rightly not want EPA to release you.

Based on information you provided, it does not at this time appear likely that you will be involved in the investigation and cleanup of the Site. Should our assessment change for any reason, we will notify you as promptly as possible, and would anticipate working cooperatively with you to address any share of liability or responsibility you may have, or which other



USEPA SF



1410095

LP\_00440

responsible parties may allege to us that you have. We appreciate your efforts to work with us as we continue to address contamination in this critically important Site for our region.

Please feel free to contact me at (206) 553-2140 if you would like to discuss this matter further.

Sincerely,



Allison Hiltner  
Superfund Site Manager

cc: Rick Huey, Dept. of Ecology